UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,246	09/21/2000	Mark T. Anders	MS146917.1	8956

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EXAMINER
BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/666,246	ANDERS ET AL.
Office Action Summary	Examiner	Art Unit	
	Yasin M Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 October 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) *1 and 26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   The amendment filed on October 04, 2004 has been fully

considered but are moot in view of the new ground(s) of

rejection.

- Claims 1 and 26 have been cancelled.

- Claims 22 and 25 have been amended

- Claims 2-25 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms

the basis for all obviousness rejections set forth in this Office

action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

2.   Claims 1-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Holland et al (hereinafter ``Holland'') US

(6507867) in view of Gauvin et al (hereinafter ``Gauvin'') USPN.

(5991760) and further in view of Franco et al (hereinafter

``Franco'') USPN. (6687745).

As per claim 2 Holland et al teach the invention, wherein core application functionality is preserved between the client and the server [col. 9, lines 2-25 and col. 12, lines 17-54].

As per claim 3 and 11, Holland et al teach an architecture and a system for executing and processing networked-based applications, comprising:

a presentation tier for interacting with a networked-based application at a client that is loaded via local portable storage and a server (col. 5, line 38-60; col. 6,lines 48-60 and col. 8, lines 38-67];

a mobile tier operatively coupled to the presentation tier, the mobile tier (executable code) providing for executing at least a portion of the networked-based application [Col. 8, lines 39-67 and Col. 9, lines 1-52; Col. 12, lines 17-61]; and

a guarded tier operatively coupled to at least one of the mobile tier and presentation tier, the guarded tier providing for executing remaining portions of the network-based application at the server [fig. 4a, col. 6, lines 22-47 and Col. 9, lines 3-14].

Claim 3, regarding the limitation, a second component that identifies the relevant portion of the application logic and download the relevant portion from the local storage medium and a server to the client to service the local request [see Holland et al col. 6, lines 22-47 and col. 11, lines 35 to col. 12, line 54].

Although Holland et al shows substantial features of the claimed
invention, he does not explicitly show an application logic that
is mapped to local request at a client.
Nonetheless, this feature is well known in the art and would
have been an obvious modification of the system disclosed by
Holland et al, as evidenced by Gauvin et al USPN. (5991760).

In analogous art, Gauvin et al, whose invention is about a
local client with a local hypertext server, a local application
program, and a downloader for downloading a copy of a remote
network document (local copy), that is accessible by the local
application program, onto the client computer. When
disconnected, the local copy may be accessed and modified
through the client browser in a manner that is similar to when
the client is connected to the network, discloses an application
logic that is mapped to local request at a client [Col. 5, lines
41-67 and col. 7, line 25 to col. 8, line 5].
Giving the teaching of Gauvin et al, a person of ordinary skill
in the art would have readily recognized the desirability and
the advantage of modifying Holland et al by employing the system
of Gauvin et al so that clients may access and manipulate copy
of the application locally with a client browser while
disconnected from the network [Col. 6, lines 35-57 and
abstract].

Claim 3, regarding the limitation of a third component, although
Holland and Gauvin show substantial features of the claimed

invention as explained above, they do not explicitly show a
security system that grants access permission to the downloaded
portions based on a policy residing on the client.
Nonetheless, this feature is well known in the art and would
have been an obvious modification of the system disclosed by
Holland and Gauvin, as evidenced by Franco USPN. (6687745).

In analogous art, Franco, whose invention is about a system
for delivering interactive links to applications and information
stored in remote sources of a network, discloses a security
system that grants (authorized users) access permission to the
downloaded portions (secure droplet-enabled applications and/ or
information) based on a policy residing on the client (based on
user's account and password) [col. 26, lines 38-65 and col. 27,
lines 52 to col. 28, line 24]. Giving the teaching of Franco, a
person of ordinary skill in the art would have readily recognized
the desirability and the advantage of modifying Holland and
Gauvin by employing the system of Franco in order to secure data
and applications residing on a network system so that only
authorized users are allowed to access them.
Franco further teaches that the access permission is at least one
of a local and a remote permission that facilitates ensuring the
downloaded portions are secure [col. 23, lines 63 to col. 24,
line 26 and Col. 27, lines 52 to col. 28, line 24].

As per claim 4, Holland et al teach the invention as explained above, the local storage medium comprises a CD or floppy disk [Col. 8, lines 39-55].

As per claim 5, Holland et al teach the invention, the first component comprises unguarded logic for lower security systems [applications accessed via web browser have lower security Col. 12, lines 4-61].

As per claim 6, Holland et al teach the invention, remote data is downloaded form the server to the client based upon a remote data request [Col. 8, lines 58-67 and Col. 9, lines 1-14]
As per claim 7, Holland et al teach the invention, wherein the remote data request is an HTTP request [Col. 8, lines 58-67 and Col. 9, lines 1-25].

As per claim 8, Holland et al teach the invention, the remote data is processed locally on the client via local data requests directed at the mobile logic portion [col. 5, line 38-60; col. 6,lines 48-60 and col. 12, lines 17-61].

As per claim 9, Holland et al teach the invention, the remote data is provided by at least one of an XML and WML response [Col. 14, lines 15-24].

As per claim 10, Holland et al teach the invention, the remote

data is communicated via at least one of the Internet, Intranet,

or wireless networks [fig.2. Col. 8, lines 18-38].

As per claim 12, Holland et al teach the invention, further

including a data tier operatively coupled to the guarded tier,

the data tier including data employed in connection with

executing the network-based application [Fig. 4a col.9, lines 26-

51 and Col. 12, lines 17-61].

As per claim 13, Holland et al teach the invention, the guarded

tier includes logic for enabling the mobile tier to execute the

network-based application [col. 6, lines 22-47 and Col. 9, lines

3-14; Col. 12, lines 17-61].

As per claim 14, Holland et al teach the architecture of claim

12, the presentation tier generates local requests to the mobile

tier to manipulate data provided by the data tier [Col. 11, lines

12-34 and Col. 12, lines 17-61].

As per claim 15, Holland et al teach the invention, the mobile

tier executes applications logic associated with the guarded tier

to manipulate data provided by the data tier [Fig. 4a, Col. 8,

lines 39-67 and Col. 9, lines 1-65].

As per claim 16, Holland et al teach the invention, herein the
tier processes local data requests offline and generates remote
requests to the guarded tier to at least one of transmit and
receive data associated with the data tier based upon the offline
local requests [col. 6, lines 22-47; Col. 11, lines 12-67 and
Col. 12, lines 1-61].

As per claim 17, Holland et al teach a computer-readable medium
having computer-executable instructions for providing the
architecture of claim 16 [Col. 8, lines 38-55].

As per claim 18, Holland et al teach a system for processing
networked-based applications, comprising:

    means for interacting with a networked-based application at
a client [col. 5, line 38-60 and col. 6,lines 48-60; Col. 9,
lines 26-52]; and

    means for executing at least a portion of the
networked-based application at either the client end or a server
based upon requests generated by the client [col. 6, lines 22-47
and Col. 9, lines 3-14; Col. 12, lines 17-45].

As to the limitation of means for determining a domain permission
associated with the networked-base application [see the rejection
on claim 1 and 11 above. see also col. 25, lines 4-55].

As per claim 19, Holland et al teach the system of claim 18,
further comprising means for supplying remote data employed in

connection with executing local data requests associated with the
network-based application [col. 6, lines 22-47 and Col. 12, lines
17-45].

As per claim 20, Holland et al teach the system of claim 19,
further comprising means for requesting the local data requests
offline and generating remote requests to at least one of
transmit and receive data associated with the remote data based
upon the offline local requests [Col. 12, lines 17-61].

As per claim 21, Holland et al teach a method for executing a
network-based application, comprising:

executing at least a portion of a network-based application
that is mapped to a local request on a client computer, the at
least a portion of the network-based application comprising
application and presentation logic loaded from portable local
memory (Col. 8, lines 39-55) and a server [col. 6, lines 22-47
and Col. 9, lines 3-14; Col. 12, lines 17-45]; and

executing at least a portion of which is interchangeably
processed by a server or the client without modification to the
portion [col. 6, lines 22-47 and Col. 9, lines 3-14; Col. 12,
lines 17-45].

3.   Claim 22-24 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Gauvin et al (hereinafter ``Gauvin'') USPN.

(5991760) in view of Susaki et al (hereinafter ``Susaki'') USPN
(6327658) and further in view of Reisman USPN. (6125388).

As per claim 22, Gauvin et al teach a method that facilitates
client-side computing, comprising:

transmitting a request for portions of an application
associated with transaction [col. 5, 6-31 and col. 8, 20-28];

retrieving respective portions of the application from a
local and a remote storage [col. 5, 6-31 and col. 8, 20-28]; and

loading the portion of the application on a client [col. 5,
6-52]; and

executing the portions of application in connection with the
transaction [col. 5, 6-52 and abstract].
Although Gauvin show substantial features of the claimed
invention as explained above in claim 22, he does not explicitly
show verifying portions of the application are portions of
application retrieved from the local and the remote storage
medium.
Nonetheless, this feature is well known in the art and would
have been an obvious modification of the system disclosed by
Gauvin, as evidenced by Susaki USPN. (6327658).

In analogous art, Susaki, whose invention is about a
distributed object system and service supply, discloses a system
for verifying portions of the application are the portions of
application retrieved from the local (client) and the remote

storage medium (remote server) [col. 9, lines 65 to col. 10, line 51]. Giving the teaching of Susaki, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Gauvin by employing the system of Susaki in order to ensure the integrity of an application program and to easily recognize when there is any tampering.

Although Gauvin and Susaki show substantial features of the claimed invention as explained above, they do not explicitly show a portable local storage.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Gauvin and Susaki, as evidenced by Reiaman USPN. (6125388).

In analogous art, Reiaman, whose invention is about a system for transporting information objects between a user station and multiple remote sources based upon user modifiable object manifest stored in the user station, discloses a news magazine distributed on portable CD-ROM (col. 20, lines 13-67 and col. 21, lines 38 to col. 22, line 14) and Merchandise Order Processing and Confirmation Retail Catalog stored on portable CD-ROM [col. 22, lines 42 to col. 23 line 6]. Giving the teaching of Reiaman, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Gauvin and Susaki by employing the system of

Reiaman in order to provide users with a full-function local

order generating capability and to transmit a user created

merchandise order, effortlessly and seamlessly, to a remote

order-processing server.

As per claim 23, teach the method of claim 22, further comprising

mapping the retrieved portions of application to the request

[col.6, line 31 to col. 7, line 7 and col. 7, 31-67].

As per claim 24, Gauvin et al teach the method of claim 22,

further comprising commencing execution of the transaction and

associated portions of applications on the client while off-line

and completing the transaction after re-connecting on-line

[abstract; col. 5, 6-31; and col. 8, 30-50].

4.   Claim 25 is rejected under 35 U.S.C. 103(a) as being

unpatentable over Gauvin et al (hereinafter ``Gauvin'') USPN.

(5991760) in view of Franco et al (hereinafter ``Franco'') USPN.

(6687745) and further in view of Reisman USPN. (6125388).

As per claim 25, Gauvin et al teach a method that facilitates

servicing a client request, comprising:

        receiving a first request form a client for a first portion

of an application [col. 5, 6-31];

        downloading the first portions of the application to the

client   [col. 5, lines 6-31 and col. 8, lines 20-28];

receiving a second request from the client to execute a
second portion of the application at server to complete servicing
the client request, wherein the request is satisfied by both the
client and the server that are concurrently servicing respective
portions of the request [col. 5, lines 6-31 and col. 8, lines 20-
28; abstract];

Although Gauvin and shows substantial features of the claimed
invention as explained above, he do not explicitly show where
the application portions are secure.

Nonetheless, this feature is well known in the art and would
have been an obvious modification of the system disclosed by
Gauvin, as evidenced by Franco USPN. (6687745).

In analogous art, Franco, whose invention is about a system
for delivering interactive links to applications and information
stored in remote sources of a network, discloses a security
system that grants (authorized users) access permission to
portions of an application (secure droplet-enabled applications
and/ or information) [col. 26, lines 38-65 and col. 27, lines 52
to col. 28, line 24]. Giving the teaching of Franco, a person of
ordinary skill in the art would have readily recognized the
desirability and the advantage of modifying Gauvin by employing
the system of Franco in order to secure data and applications
residing on a network system so that only authorized users are
allowed to access them.

Although Gauvin and Franco show substantial features of the

claimed invention as explained above, they do not explicitly

show where the application is stored on a CD.

Nonetheless, this feature is well known in the art and would

have been an obvious modification of the system disclosed by

Gauvin and Franco, as evidenced by Reiaman USPN. (6125388).

In analogous art, Reiaman, whose invention is about a

system for transporting information objects between a

user station and multiple remote sources based upon user

modifiable object manifest stored in the user station, discloses

a news magazine distributed on CD-ROM (col. 20, lines 13-67 and

col. 21, lines 38 to col. 22, line 14) and Merchandise Order

Processing and Confirmation Retail Catalog stored on CD-ROM

[col. 22, lines 42 to col. 23 line 6]. Giving the teaching of

Reiaman, a person of ordinary skill in the art would have

readily recognized the desirability and the advantage of

modifying Gauvin and Franco by employing the system of Reiaman

in order to provide users with a full-function local order

generating capability and to transmit a user created merchandise

order, effortlessly and seamlessly, to a remote order-processing

server.

Conclusion

5.   The prior made of record and not relied upon is considered
pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Yasin
Barqadle whose telephone number is 703-305-5971. The examiner
can normally be reached on 9:00 AM to 5:30 PM.

    If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Glenn Burgess can be
reached on 703-305-4792. The fax phone numbers for the
organization where this application or proceeding is assigned are
703-872-9306 for regular communications and 703-746-7238 for
After Final communications.

    Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the
receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

Art Unit 2153

MOUSTAFA M. MEKY
PRIMARY EXAMINER